Draft Order laid before the Scottish Parliament under section 58(3) of the Regulatory Reform (Scotland) Act 2014, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

ENVIRONMENTAL PROTECTION

ENFORCEMENT

The Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2025

Made - - - -	*2025*
Coming into force - -	*2025*

The Scottish Ministers make the following Order in exercise of the powers conferred on them by sections 20(1), 23(1), 27(1) and 58(1) of the Regulatory Reform (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

In accordance with section 58(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2025(**b**) and comes into force on the day after the day on which it is made.

Amendment of the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015

2.—(1) The Environment Regulation (Enforcement Measures) (Scotland) Order 2015 is amended in accordance with paragraph (2).

(2) At the end of the table in schedule 4 (relevant offences and fixed penalty amounts), after the final row insert (as new rows and in the appropriate columns)—

"The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024(**c**)				
Regulation 115(1)(a) (carrying on	YES	YES	YES	MEDIUM

(**a**) 2014 asp 3.
(**b**) S.S.I. 2015/383 as amended by S.S.I. 2016/161, S.I. 2017/1200, S.S.I. 2018/219, S.S.I. 2020/155, S.S.I. 2021/412 and S.S.I. 2023/69.
(**c**) S.I. 2024/1332.

business as a producer without being registered as required by regulation 25(1)(a))				
Regulation 115(1)(b) (failure to apply for registration by the date specified in regulation 28(1), (2) or (3))	YES	YES	YES	MEDIUM
Regulation 115(1)(c) (failure to keep records as required by regulation 25(1)(b))	YES	YES	YES	MEDIUM
Regulation 115(1)(d) (failure to report information as required by regulation 25(1)(c) or (d), or (3)(c))	YES	YES	YES	MEDIUM
Regulation 115(1)(e) (failure to report information as required by regulation 25(1)(c) or (d), or (3)(c) by the required date under regulation 35, 36, 37 or 38)	YES	YES	YES	MEDIUM
Regulation 115(3)(a) (failure to comply with producer's recycling obligation under regulation 25(2)(a))	NO	YES	YES	NOT APPLICABLE
Regulation 115(3)(b)	YES	YES	YES	MEDIUM

(failure to keep evidence as required by regulation 25(2)(b))				
Regulation 115(3)(c) (failure to furnish a certificate of compliance as required by regulation 25(2)(c))	YES	YES	YES	LOW
Regulation 115(4) (failure of a registered producer to comply with a condition of registration in regulation 31(b) or (c))	YES	YES	YES	MEDIUM
Regulation 116(a) (operating a compliance scheme without registering under regulation 43(1)(b) and 51(1))	YES	YES	YES	MEDIUM
Regulation 116(b) (breach of a condition of a compliance scheme's registration in regulation 53)	YES	YES	YES	MEDIUM
Regulation 116(c) (failure to carry out the obligation to apply for the registration of a compliance scheme member under regulation 43(3)(a))	YES	YES	YES	MEDIUM
Regulation 116(d) (failure to make an application for registration of a compliance	YES	YES	YES	MEDIUM

scheme member by the required date under regulation 44(1)(a))				
Regulation 116(e) (failure to report information as required in relation to a compliance scheme member under regulations 43(3)(b) and 44(2))	YES	YES	YES	MEDIUM
Regulation 116(f) (failure to report information in relation to a member of a compliance scheme under regulations 43(3)(b) and 44(2) by the required date under regulations 35, 36, 37 or 38)	YES	YES	YES	MEDIUM
Regulation 116(g) (failure to carry out the recycling obligations under regulation 43(3)(c) and 44(3))	YES	YES	YES	MEDIUM
Regulation 116(h) (failure to keep records and make returns to SEPA as required by regulations 43(6)(a) and 55)	YES	YES	YES	MEDIUM
Regulation 116(i) (failure to submit a statement of compliance to SEPA as required by regulation 56)	YES	YES	YES	LOW

Regulation 116(j) (failure to give notice as required under regulations 49(5) or 54(4))	YES	YES	YES	MEDIUM
Regulation 117(1)(a) (operating a reprocessing site for a category of packaging waste without being registered with SEPA in accordance with regulation 85)	YES	YES	YES	MEDIUM
Regulation 117(1)(b) (exporting a category of packaging waste without being registered with SEPA in accordance with regulation 86)	YES	YES	YES	MEDIUM
Regulation 117(2)(a) (failure to comply with a condition of registration in regulation 88)	YES	YES	YES	MEDIUM
Regulation 117(2)(b) (contravention of a requirement in regulation 91 or in Part 2 of schedule 8)	YES	YES	YES	MEDIUM
Regulation 117(3)(a) (issuing a PRN otherwise in accordance with regulation 92(1))	YES	YES	YES	MEDIUM
Regulation 117(3)(b) (issuing a PERN otherwise than in accordance with regulation	YES	YES	YES	MEDIUM

92(2))				
Regulation 117(3)(c) (knowingly or recklessly issuing a PRN or PERN pursuant to false or misleading information)	YES	YES	YES	HIGH
Regulation 117(4) (failure to comply with a condition of accreditation to issue PRNs or PERNs in regulation 98 or Part 3 of schedule 8)	YES	YES	YES	MEDIUM
Regulation 118(1) (knowingly or recklessly providing false or misleading information to SEPA in connection with its functions under the Regulations, or to a scheme operator in respect of any information referred to in regulation 45(1))	YES	YES	YES	HIGH
Regulation 118(2) (failing without reasonable excuse, to comply with any requirement imposed in a notice under regulation 110(1) or to give an officer any assistance or information reasonably required in connection with	YES	YES	YES	MEDIUM

the exercise of their powers under regulation 112)				
Regulation 118(3) (intentionally delaying or obstructing an authorised person carrying out monitoring under regulation 109, or in the exercise of their powers under regulation 112)	YES	NO	NO	LOW
Regulation 118(4) (failure of a holding company to comply with reporting, record-keeping or recycling obligations under paragraph 5(1)(b) or (c) or (2)(a) of schedule 9)	YES	YES	YES	MEDIUM
Regulation 118(4) (failure of a holding company to comply with the certification obligation in paragraph 5(2)(b) of schedule 9)	YES	YES	YES	LOW
Regulation 118(5) (failure to comply with a compliance notice imposed under regulation 121)	YES	YES	YES	MEDIUM”

Name
A member of the Scottish Government

St Andrew’s House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 ("the 2015 Order") so as to specify offences under the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 as relevant offences under the 2015 Order and to enable the Scottish Environment Protection Agency to impose civil enforcement measures on persons in relation to those offences.

© Crown copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

£8.14

http://www.legislation.gov.uk/id/sdsi/2025/9780111062906

ISBN 978-0-11-106290-6

9 780111 062906